



## FAX TRANSMISSION

CONFIDENTIAL COMMUNICATION

### PETITION UNDER 37 CFR 1.181 (C) TO WITHDRAW HOLDING OF ABANDONMENT DUE TO EXAMINER ERROR

To: Wynn Coggins, Art Unit 3625  
Fax No.: (571) 273-8300

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From: JOSEPH J. MAYO (REG. NO. 53,288)  
Fax No.: (858) 777-5425  
Phone No.: (858) 442-5877

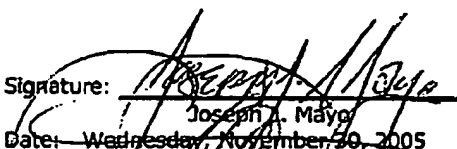
NOV 30 2005

Total Number of Pages Including Cover: 12  
Date: Wednesday, November 30, 2005

US Serial No.: 09/577,268  
Ref. No.: A2I-P0001

Comments:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at FAX number 571-273-8300 on Wednesday, November 30, 2005.

Fax Coversheet (1 page) Petition Under 37 CFR 1.181 (C) to Withdraw Holding of Abandonment (4 pages) PAIR printout (3 pages) Original Notice of Allowance (2 pages) Corrected Notice of Allowance (2 pages)	Signature:  Joseph J. Mayo Date: Wednesday, November 30, 2005
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Joseph J. Mayo  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 30 2005

Appl. No. : 09/577,268  
Applicant : HAZL, Ariel, et al.  
Filed : 05/23/2000  
TC/A.U. : 3625  
Examiner : COGGINS, Wynn  
Docket : A2I-P0001  
Customer No. : 36067  
Conf. No. : 3565

For: TIMESHARED ELECTRONIC CATALOG SYSTEM AND METHOD

Commissioner for Patents  
571-273-8300

**PETITION TO THE DIRECTOR UNDER 37 CFR 1.181(c)**  
**TO WITHDRAW HOLDING OF ABANDONMENT**  
**DUE TO EXAMINER ERROR AND**  
**REQUEST TO ISSUE PATENT UNDER MPEP 1309 (B)**

To Whom It May Concern:

Applicant hereby petitions the director to withdraw the holding of abandonment due to Examiner error and issue a patent for the abovementioned application with all due haste. The issue fee was paid, prosecution was closed then the previous Examiner sent a "corrected" notice of allowance even though the original notice of allowance contained no mistakes. Sending a "corrected" notice of allowance after prosecution is closed is the error made by the previous Examiner which caused the patent subsequently to be withdrawn from issue and abandoned.

The previous Examiner in charge of the above mentioned application sent a Corrected Notice of Allowance on July 22, 2004 even though the Issue Fee was paid in full on June 25, 2004, please see the attached PAIR printouts. Prosecution on the merits for this application was closed as of June 25, 2004. As there was no mistake in the prosecution of the application on the part of the office to that point, the Examiner erred by sending a "corrected" Notice of Allowance. There were no mistakes to correct. Applicant's representative believes the Examiner sent the Corrected Notice of Allowance out because the revision of the form itself had changed from Rev. 11/03 to Rev. 7/04. As prosecution was closed, Applicant was not obliged to respond to the erroneous notice since prosecution was closed.

Appl. No. 09/577,268

Response dated 11/30/2005

Subsequently, the Office of Patent Publications withdrew the application from issue and therefore violated 37 C.F.R 313(b). To withdraw an accepted application from issue under these circumstances is a clear violation of 37 CFR 1.313, (see MPEP 1308) and was inappropriate. Applicant's rights to an issued patent have been severely compromised.

**37 CFR 1.313. Withdrawal from issue.**

(b) Once the issue fee has been paid, the Office will not withdraw the application from issue at its own initiative for any reason except:

- (1) A mistake on the part of the Office;
- (2) A violation of § 1.56 or illegality in the application;
- (3) Unpatentability of one or more claims; or
- (4) For interference.

As there was no mistake on part of the office on the original notice of allowance or even on the "corrected" notice of allowance, 37 CFR 1.313(b)1 does not apply. Since there was no violation of 37 CFR Rule 56, 1.313(b)2 does not apply. Since there were no patentability issues raised by the Examiner, 37 CFR 1.313(b)3 does not apply. Since the application is not the subject of an interference, 37 CFR 1.313(b)4 does not apply. Please see the attached PAIR pages, and the original Notice of Allowance and Corrected Notice of Allowance noting that there were no mistakes and thus no corrected mistakes on the "corrected" notice of allowance that would warrant sending the "corrected" notice which resulted in the application's withdrawal from issue.

As the Issue Fee and Publication Fee were timely paid within the statutory required 3 month period after the original Notice of Allowance was sent, ALL REQUIREMENTS OF 35 U.S.C. 151 HAVE BEEN SATISFIED. To remedy this injustice Applicant respectfully requests expedited issuance of the patent as per the original and timely filed PTOL-85 submission of June 25, 2004. Please use deposit account 502689 for any other charges not accounted for herein and please reference our file number A2I-P0001 when using the deposit account.

The Office of Patent Publications has denied a Petition to Withdraw Holding of Abandonment and denied a Request for Reconsideration of Petition to Withdraw Holding of Abandonment since according to paralegal Mr. Hawkins, the publication department cannot determine *why* the Examiner sent out the "corrected" notice of allowance. Even though the Office of Patent Publications was presented the notice of allowance and corrected notice of allowance showing no mistakes, the Office of Patent Publications refused to review either notice

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stating that since the "corrected" notice was not returned that the application must abandon. Justice dictates that an applicant that has successfully prosecuted an application and paid for that application be awarded a patent. Again, there are no mistakes to be found on the notice of allowance or "corrected" notice and therefore, the Applicant should be awarded the patent since the Examiner at the time should not have sent a "corrected" notice of allowance with no corrections of mistakes on it.

Applicant hereby requests expedited issue of the patent under 1309 (B) which states:

All allowed applications ready for printing will be selected by chronological sequence based on the date the issue fee was paid. Special handling will be given to the following applications in these categories: (noting that the filing date of the application in question is 5/23/2000).

(A) Allowed cases which were made special ...

(B) Allowed cases that have a U.S. effective filing date more than 5 years old.

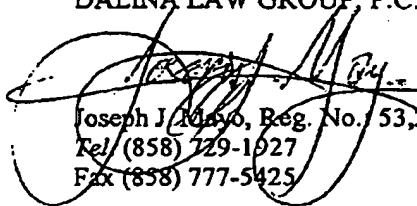
(C), (D), (E) ...

To ensure that any application falling within the scope of the categories outlined above and identified by (A) to (E) receives special treatment, the examiner should e-mail or otherwise contact the Image Assistance Center in the Office of Patent Publication for special treatment. The examiner should state the special treatment category outlined above.

Applicant further requests that the Examiner contact the Image Assistance Center to expedite the requested issuance.

Should the office disagree with this Petition applicant's representative respectfully requests that an attorney from the Petitions Office contact applicant representative at the number below to explain the rationale for such disagreement **BEFORE** denying this Petition.

Respectfully submitted,  
DALINA LAW GROUP, P.C.

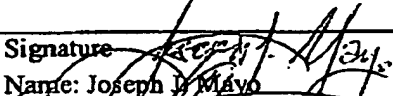
  
Joseph J. Dalina, Reg. No. 53,288  
Tel: (858) 729-1927  
Fax: (858) 777-5425

• Lorentz v. Finkel

• no one has authority to issue or'd app.

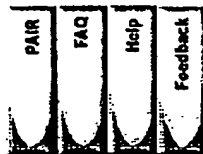
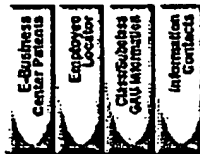
• pet. only thing possible

Appl. No. 09/577,268  
Response dated 11/30/2005

<b>Correspondence Info:</b>  <b>Customer Number</b>  <b>36067</b>	<b><i>CERTIFICATE OF MAILING or TRANSMISSION</i></b>  <i>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on <u>November 30, 2005</u> to 571-273-8300 or is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</i>
	<b>Signature</b>  <b>Name:</b> Joseph J. Mayo <b>Date:</b> November 30, 2005



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Printer Friendly Version

Search results as of: 2-4-2005::8:3:18 E.T.

Search results for application number:09/577,268			
Application Number:	09/577,268	Customer Number:	36067
Filing or 371(c) Date:	05-23-2000	Status:	Abandoned - Failure to Pay Issue Fee
Application Type:	Utility	Status Date:	01-13-2005
Examiner Name:	THOMPSON JR, FOREST	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	3625	Location Date:	01-27-2005
Confirmation Number:	3565	Earliest Publication No:	-
Attorney Docket Number:	254/147	Earliest Publication Date:	-
Class/ Sub-Class:	705/026	Patent Number:	-
First Named Inventor:	Ariel Hazi, Los Angeles, CA	Issue Date of Patent:	-
Title Of Invention:	TIMESHARED ELECTRONIC CATALOG SYSTEM AND METHOD		

Select Search Option

Assignments	Search
<a href="#">Continuity Data</a>	
<a href="#">Display References</a>	
<a href="#">Image File Wrapper</a>	
<a href="#">Patent Term Extension History</a>	

File History	
Date	Contents Description
01-13-2005	Mail Abandonment for Failure to Pay Issue Fee
01-13-2005	Abandonment for Failure to Pay Issue Fee

<http://pair-direct.uspto.gov/cgi-bin/final/cusnum.pl?username=Joseph+James+Mayo&USERCODE=123&Applicati...> 02/04/2005

11-03-2004	Receipt into Pubs
11-03-2004	Workflow - Query Request - Finish
09-08-2004	Receipt into Pubs
09-07-2004	Workflow - Query Request - Begin
08-26-2004	Receipt into Pubs
07-23-2004	Receipt into Pubs
07-23-2004	Workflow - File Sent to Contractor
07-23-2004	Receipt into Pubs
07-21-2004	Dispatch to Publications
07-21-2004	Issue Revision Completed
07-22-2004	Mail Corrected Notice of Allowance
06-29-2004	Application is Considered Ready for Issue
06-25-2004	Issue Fee Payment Recorded
04-13-2004	Issue Revision Completed
04-13-2004	Corrected Notice of Allowance
03-26-2004	Mail Notice of Allowance
03-22-2004	Notice of Allowance Data Verification Completed
03-22-2004	Notice of Allowability
01-18-2004	Data Forwarded to Examiner
01-18-2004	Data Forwarded to Examiner
01-12-2004	Request for Continued Examination (RCE)
01-18-2004	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
01-12-2004	Request for Extension of Time - Granted
01-18-2004	Correspondence Address Change
01-20-2004	Change in Power of Attorney (May Include Associate POA)
01-12-2004	Workflow - Request for RCE - Begin
07-10-2003	Mail Final Rejection (PTOL - 326)
07-07-2003	Final Rejection
05-21-2003	Date Forwarded to Examiner
05-16-2003	Response after Non-Final Action
02-12-2003	Mail Non-Final Rejection
01-14-2003	Non-Final Rejection
10-16-2002	Correspondence Address Change
10-16-2002	Change in Power of Attorney (May Include Associate POA)
06-06-2002	Case Docketed to Examiner in GAU
04-23-2002	Case Docketed to Examiner in GAU
02-27-2002	Case Docketed to Examiner in GAU
09-24-2001	Case Docketed to Examiner in GAU
08-27-2001	Information Disclosure Statement (IDS) Filed

<http://pair-direct.uspto.gov/cgi-bin/final/cusnum.pi?username=Joseph+James+Mayo&USERCODE=123&Applicati...> 02/04/2005

07-14-2001	Case Docketed to Examiner in GAU
06-07-2001	Case Docketed to Examiner in GAU
02-17-2001	Case Docketed to Examiner in GAU
12-09-2000	Application Dispatched from OIPE
12-09-2000	Application Is Now Complete
07-19-2000	Notice Mailed--Application Incomplete--Filing Date Assigned
07-19-2000	Correspondence Address Change
06-13-2000	IFW Scan & PACR Auto Security Review
05-23-2000	Initial Exam Team nn

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I.HOME|INDEX|SEARCH|eBUSINESS|CONTACT US|PRIVACY STATEMENT

<http://pair-direct.uspto.gov/cgi-bin/final/cusnum.pl?username=Joseph+James+Mayo&USERCODE=123&Applicati...> 02/04/2005





## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address COMMISSIONER FOR PATENTS  
P.O. Box 108  
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www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

16067 7590 03/26/2004  
DALINA LAW GROUP, P.C.  
7910 IVANHOE AVE. #325  
LA JOLLA, CA 92037

EXAMINER

THOMPSON JR, FOREST

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 03/26/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,268	03/23/2000	Arif Hazi	234/147	3565

TITLE OF INVENTION: TIMESHARED ELECTRONIC CATALOG SYSTEM AND METHOD

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	06/28/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

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B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Page 1 of 3

PTOL-85 (Rev. 11/03) Approved for use through 04/30/2004.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
(703) 746-4000

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36067 7590 03/26/2004  
DALINA LAW GROUP, P.C.  
7910 IVANHOE AVE. #325  
LA JOLLA, CA 92037

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/377,268	03/23/2000	Adel Hazi	254/147	3565

TITLE OF INVENTION: TIMESHARED ELECTRONIC CATALOG SYSTEM AND METHOD

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	06/28/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
THOMPSON JR, FORBES	3625	705-026000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47, Rev 03-03 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ Individual ☐ corporation or other private group entity ☐ government

## 4a. The following fee(s) are enclosed:

☐ Issue Fee☐ Publication Fee☐ Advance Order - # of Copies \_\_\_\_\_

## 4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form ITO-2038 is attached.☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (choose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid (issue fee to the application identified above).

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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PTOL-85 (Rev. 11/03) Approved for use through 04/30/2004.

OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE



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# CORRECTED NOTICE OF ALLOWANCE AND FEE(S) DUE

36067 7590 07/22/2004  
DALINA LAW GROUP, P.C.  
7910 IVANHOE AVE. #325  
LA JOLLA, CA 92037

EXAMINER	
THOMPSON JR, FOREST	
ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 07/22/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,268	05/23/2000	Ariel Hazi	254/147	3563

TITLE OF INVENTION: TIMESHARED ELECTRONIC CATALOG SYSTEM AND METHOD

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$0	\$0	\$0	10/22/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

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A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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Page 1 of 3

PTOL-85 (Rev. 07/04) Approved for use through 04/30/2007.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail****Mail Stop ISSUE FEE**  
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**7910 IVANHOE AVE. #325**  
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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,268	05/23/2000	Ariel Hazi	254/147	3565

TITLE OF INVENTION: TIMESHARED ELECTRONIC CATALOG SYSTEM AND METHOD

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$0	\$0	\$0	10/22/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
THOMPSON JR, FOREST	3625	705-026000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.☐ "Fee Address" Indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

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Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee  
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5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is not claiming SMALL ENTITY status. See, e.g., 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

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PTOL-85 (Rev. 07/04) Approved for use through 04/30/2007.

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